

5. **2008SP-031U-11**
Mercury North
Map: 106-01 Parcels: 055, 057
South Nashville Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Jason Swaggart

A request to change from CS to SP-R zoning for properties located at 416 Murfreesboro Pike and 811 Elm Hill Pike, approximately 1,135 feet west of Fessler's Lane (0.37 acres), to permit a boarding house with 32 living units with kitchens in an existing 32 room motel facility, requested by Urban Housing Solutions Inc., owner/applicant.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP and Final Site Plan

A request to change from Commercial Service (CS) to Specific Plan-Residential (SP-R) zoning and for final site plan approval for properties located at 416 Murfreesboro Pike and 811 Elm Hill Pike, approximately 1,135 feet west of Fessler's Lane (0.37 acres), to permit a boarding house with 32 living units with kitchens in an existing 32 room motel facility.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-R District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan. This SP includes residential uses.

SOUTH NASHVILLE COMMUNITY PLAN

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. The proposed use is consistent with the area's land use policy. The use will go from hotel/motel to a multi-family type use which is a use intended in the policy. Since the plan does not propose any significant change to the existing structure, no significant improvements are required.

PLAN DETAILS The two properties within the proposed SP-R district are located between Murfreesboro Pike and Elm Hill Pike across from Trevecca Nazarene University. The existing motel building on the site was formerly part of the Drake Motel. The Drake Motel is located immediately to the east and is a historical structure that the Historic Zoning Commission has determined to be worthy of conservation.

The applicant, Urban Housing Solutions, provides affordable housing to people in need of adequate housing. According to the applicant, the proposed apartment units will be temporary housing for the homeless. While the proposed use is similar to a Boarding House as defined in the Metro Zoning Code, the proposed units will have kitchens which are not allowed under the Boarding House use. Since this will be a SP district there is flexibility in defining the use. The use in this SP will be classified as a *Boarding house with Kitchen*. This is a residential facility or dwelling unit for the temporary accommodation of persons or families in a dwelling unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services.

Site Plan The site plan identifies the existing building and related facilities. The plan calls for the existing 32 motel units to be converted into 32 small apartments.

Primary access to the site will be from the existing drive along Murfreesboro Road. A secondary access point is also provided onto Elm Hill Pike to provide adequate access for emergency vehicles and equipment. Access to the site will be restricted and both access points will have gates.

Parking The site plan identifies a total of 13 parking spaces. The proposed use most closely resembles multi-family, and would require a total of 32 parking spaces under Zoning Code. While there is some flexibility in the number of parking spaces required in an SP, the plan must demonstrate adequate parking. Because of the nature of the proposed use, a majority of the occupants will not drive or have access to independent travel. Since most of the occupants will be dependent on public transit or other means of transportation the 13 proposed parking spaces are sufficient.

Sidewalks A sidewalk exists along Murfreesboro Pike but there is no sidewalk along Elm Hill Pike. An open ditch runs between Elm Hill Pike and the property. The ditch would not hinder the construction of a sidewalk, however it does pose a challenge. Within the general area there are no sidewalks along Elm Hill Pike. Since there are no sidewalks within the general area along Elm Hill Pike then Planning Staff recommends that the applicants make a contribution to the pedestrian network as specified in Section 17.20.120.D of the Metro Zoning Code rather than constructing a sidewalk.

Analysis The SP proposes no significant change to the existing structure. Since no major changes are proposed, then staff has not required any significant improvements to the site. While 13 parking spaces are adequate for this specific proposal, that number would not be adequate if this were a typical multi-family development. If the nature of this use were to change then additional parking would be needed. There is not room for additional parking on the site so any new use would require significant changes and may require additional land. Any change in use would require Council approval.

FIRE MARSHAL RECOMMENDATION

1. A sprinkler system for fire protection may be required to be installed with building permits.
2. A fire hydrant shall be provided within 100' of the fire department connection.
3. Actual or projected fire hydrant flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
4. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.37	0.06	967	NA	30	34

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: Low Rise(221)	0.37	N/A	32	522	22	25

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					-8	-9

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.37	0.60	9,670	NA	300	335

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: Low Rise(221)	0.37	N/A	32	522	22	25

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					-278	-310

METRO SCHOOL BOARD RePORT

Projected student generation 3 Elementary 1 Middle 1 High

Schools Over/Under Capacity *The above figures are derived from a typical multi-family development. Due to the nature of this SP no new students are anticipated. Students would attend McGavock Elementary School, Two Rivers Middle School and McGavock High School. All three schools are over capacity. There is additional capacity within the cluster for elementary and middle school students. There is capacity within an adjacent high school cluster. This information is based upon data from the school board last updated June 2008.*

STAFF RECOMMENDATION Staff recommends that the proposed SP be approved. The SP does not propose any significant change to the property and the use is consistent with the area's land use policy.

CONDITIONS

1. Applicants shall make a contribution to the pedestrian network as specified in Section 17.20.120.D of the Metro Zoning Code. A use and occupancy permit shall not be issued until the payment has been received by Metro in accordance with the requirement.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP and final site plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any

grading, clearing, grubbing, final site plan, or any other development application for the property.

4. Minor adjustments to the preliminary SP and final site plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The preliminary SP and final site plan as approved by the Planning Commission and Metro Council will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Mr. Harold McHue, 333 Murfreesboro Road, spoke in opposition to the proposed development.

A representative of Urban Housing Solutions spoke in favor of the proposed development.

Mr. Clifton requested clarification on the application in relation to the requested SP zoning.

Mr. Swaggart explained the definitions included in the SP zoning as requested.

Mr. Clifton acknowledged the City's efforts in assisting the homeless population and recognized that the proposed location would best fit this need. He spoke in favor of approving the proposal.

Dr. Cummings requested clarification on the land uses surrounding the proposed development.

Mr. Gee acknowledged the good intentions of the Urban Housing Solutions organization and their work in assisting the homeless population. He then offered caution to the developers on the issue of concentrating low income housing in certain areas of the City and suggested they examine additional locations if they plan on expansion.

Mr. Ponder questioned specifics on the management of the proposed development.

Mr. Rusty Lawrence, Urban Housing Solutions, explained this concept to the Commission.

Ms. Jones commended the organization for their efforts in assisting the homeless and spoke in favor of approving the proposal.

Mr. Dalton acknowledged the concerns mentioned by the opposition. He too offered caution to the developer on how they would expand their services and the issue of concentrating low income housing in one area.

Ms. LeQuire suggested that the Commission include a condition that the developer continue working with Trevecca University on any outstanding issues associated with the development.

Ms. LeQuire and Mr. Clifton seconded the motion, to approve with conditions Zone Change 2008SP-031U-11, Mercury North, with the condition that the applicant continue to work with Trevecca Nazarene University to resolve any outstanding issues. **(9-0)**

Resolution No. RS2008-245

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-031U-11 is **APPROVED WITH CONDITIONS, including a condition that the applicant work with Trevecca Nazarene University to resolve outstanding concerns. (9-0)**

Conditions of Approval:

1. Applicants shall make a contribution to the pedestrian network as specified in Section 17.20.120.D of the Metro Zoning Code. A use and occupancy permit shall not be issued until the payment has been received by Metro in accordance with the requirement.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP and final site plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor adjustments to the preliminary SP and final site plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The preliminary SP and final site plan as approved by the Planning Commission and Metro Council will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The proposed SP-R is consistent with the South Nashville Community Plan’s Community Center policy which is intended for retail commercial as well as single and multi-family residential.”